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September 28, 2012

VIA HAND DELIVERY

Hudson County Clerk
Superior Court of New Jersey
Administration Building
595 Newark Avenue
Jersey City, NJ 07306

**Re: [REDACTED] and [REDACTED] v. State of New Jersey, New Jersey
Administrative Office of the Courts and Donald J. Volkert, Jr.**

Dear Sir/Madam:

Please be advised that this firm represents Plaintiffs [REDACTED] with regard to the above-captioned matter. Enclosed for filing please find an original and one (1) copy of the following documents:

1. Complaint and Jury Demand; and
2. Civil Case Information Statement.

Kindly file the enclosed documents and return the copy stamped "Filed" to my awaiting messenger. Please charge any fees to this Firm's account No. 141247. Thank you.

Very truly yours,
NIEDWESKE BARBER HAGER, LLC

Linda J. Niedweske

LJN:klr
Encl.

Essex County Clerk

October 1, 2012

Page 2 of 2

bcc: Mr. and Mrs. [REDACTED] (w/encl. – via email)

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Attorneys for Plaintiffs Marie Faber and James Faber

[REDACTED] and [REDACTED]

Plaintiffs,

v.

STATE OF NEW JERSEY, NEW JERSEY
ADMINISTRATIVE OFFICE OF THE
COURTS and DONALD J. VOLKERT, JR.,
Individually and in his official capacity,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – HUDSON COUNTY
DOCKET NO.: HUO-L-004668-12

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs [REDACTED], by way of complaint against Defendants State of New Jersey, New Jersey Administrative Office of the Courts (“AOC”) and Donald J. Volkert, Jr. (“Volkert”) (hereinafter collectively referred to as “Defendants”), say:

THE PARTIES

1. Plaintiff [REDACTED] is a New Jersey citizen residing at [REDACTED]

[REDACTED] At all times relevant, Plaintiff [REDACTED] was and is employed by Defendant State of New Jersey.

2. Plaintiff [REDACTED] is a New Jersey citizen residing at [REDACTED]

[REDACTED] At all times relevant, Plaintiff [REDACTED] was and is the husband of Plaintiff [REDACTED]

3. Defendant State of New Jersey is a person and employer as defined by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* ("NJLAD"). During all times relevant to this Complaint, Defendant State of New Jersey was and is the employer of Plaintiff [REDACTED] as that term is defined by the NJLAD.

4. Defendant AOC is an agency of the State of New Jersey charged with managing the statewide judiciary that consists of more than four hundred (400) trial, tax and appellate judges and Supreme Court justices and nine thousand (9000) support staff. During all times relevant to this Complaint, Plaintiff [REDACTED]'s employment was and is managed by Defendant AOC.

5. Upon information and belief, Defendant Volkert resides at 2 Meadow Lane, Borough of Caldwell, County of Essex, State of New Jersey. During all times relevant to this Complaint, Defendant Volkert was and is employed by the State of New Jersey and served in a supervisory capacity to Plaintiff Faber.

STATEMENT OF FACTS

6. In or about January 2000, Plaintiff [REDACTED] was named the Municipal Division Manager for Passaic County Superior Court, where she oversaw the sixteen (16) municipal courts contained within Passaic County.

7. As the Municipal Division Manager, Plaintiff [REDACTED] performed her responsibilities in an exemplary manner, at all times working closely and successfully with Presiding Judge Murner and Assignment Judge Passero.

8. In or about 2005, based on her exemplary performance, Plaintiff [REDACTED] was reassigned to the much larger Civil Division as the Division Manager where she supervised approximately eighty-six (86) employees.

9. As the Civil Division Manager, Plaintiff [REDACTED] performed her responsibilities in an exemplary manner, at all times working closely and successfully with Presiding Civil Judge Thomas Brogan, Presiding Chancery Judge Margaret Mary McVeigh, and the seven (7) trial judges.

10. As the Civil Division Manager, Plaintiff [REDACTED] improved morale among staff and implemented new systems and reporting procedures, resulting in Passaic County Civil Division being named as number one in the State for having the lowest number of cases in backlog.

11. In or about 2008, Defendant Volkert was named the Assignment Judge for the Passaic County Superior Court.

12. In late spring/early summer 2009, the Criminal Division was ranked in the bottom third in the State of New Jersey because of the high number of backlogged cases. Defendant Judge Volkert approached Plaintiff [REDACTED] regarding the Criminal Division's need for a managerial change and asked her to accept the position of Criminal Division Manager.

13. In or about September 2009, Plaintiff [REDACTED] assumed the role of Criminal Division Manager for the Passaic County Superior Court.

14. Plaintiff [REDACTED] reported to Presiding Criminal Judge Marilyn Clark with whom she worked closely and successfully.

15. As the Criminal Division Manager, Plaintiff [REDACTED] performed her responsibilities in an exemplary manner and accomplished the objectives assigned to her by Defendant Volkert. She reduced the case backlogs, brought the time between pleas and sentencing to the shortest in the State of New Jersey, and brought more accountability to the staff.

16. In or about 2011, Kirk Nixon announced that he was retiring as Trial Court Administrator ("TCA") for the Passaic County Superior Court.

17. A Notice of Vacancy was posted for the position and Plaintiff [REDACTED] applied.

18. Plaintiff [REDACTED] was awarded the position and began as TCA on or about August 18, 2011 reporting directly to Defendant Volkert.

19. Over the next several months, Plaintiff [REDACTED] found Defendant Volkert unreasonably controlling of her time, her conversations, her meetings, and, ultimately, her work as a TCA. His actions were not that of a micromanager, with which she had experience, but of someone seeking to dominate and control all aspects of her working environment. For example, Defendant Volkert:

- a. Told her that when she speaks with him she should assume she is speaking with "God. I talk, you listen."
- b. Demanded that Plaintiff [REDACTED] meet with him at the beginning of the day, at lunch and for several hours in the afternoon, often totaling five (5) hours each day.
- c. Delegated demeaning secretarial work to Plaintiff [REDACTED] on a consistent basis.
- d. Demanded that all of Plaintiff [REDACTED]'s e-mail communications list him as the first recipient.
- e. Reacted with hostility if he learned that Plaintiff [REDACTED] did not report to him a conversation or e-mail exchange she had with a third party.
- f. Demanded that Plaintiff [REDACTED] be readily available to him at all times. Meetings had to be conducted in Plaintiff [REDACTED]'s office in order to keep her in close proximity to him.

- g. Dictated the substance of her e-mails, regardless of how mundane or insignificant the subject matter or even if his words did not reflect her management style.
- h. Berated Plaintiff [REDACTED] if she sent out an e-mail without his prior approval.
- i. Castigated the content of Plaintiff [REDACTED]'s e-mails that he had not drafted or reviewed prior to their release.
- j. Accused her of being a weak leader if she did not receive a response to an inquiry as soon as he would have expected.
- k. Threatened her with being taken off assignments if she did not meet his exacting standards or deadlines for the completion of certain projects.
- l. Punished her for failing to verbally report what transpired at a meeting by demanding that she provide him with a written report within an unreasonable period of time.
- m. Yelled at her, "You don't ever fucking meet with anyone without me being there" upon learning that she intended to meet with someone without his prior approval.
- n. Insisted that she instant message him throughout a two (2) day meeting for new TCAs and Assignment Judges providing him with all details of what transpired.
- o. Tore up an e-mail in front of Plaintiff [REDACTED] that she had sent to Steven Bonville, Defendant AOC's Chief of Staff, thanking him for the training he arranged. He told Plaintiff [REDACTED] that it was the stupidest e-mail she

had ever written and said, referring to the torn paper, "this is your future; no one will respect you after this."

20. As a result, Plaintiff [REDACTED] was under constant scrutiny and became increasingly isolated from others within the courthouse. Her management style of being accessible and visible in the courthouse was no longer possible. Her confidence as a manager and leader was quickly eroding.

21. By January 2012, Defendant Volkert's demands and interest were extending beyond the courthouse into Plaintiff [REDACTED]'s personal life. It was clear that Defendant Volkert wanted an intimate relationship with Plaintiff [REDACTED].

- a. Defendant Volkert insisted that Plaintiff [REDACTED] obtain a Blackberry Messenger so they could Instant Message each other at any time day or night and these exchanges could not be monitored by the judiciary.
- b. Defendant Volkert insisted that Plaintiff [REDACTED] join him after work for weekly drinks at Hamilton & Ward, the bar across from the courthouse, despite knowing that Plaintiff [REDACTED] had family responsibilities, never socialized after work, and rarely drank alcohol.
- c. Defendant Volkert insisted that Plaintiff [REDACTED] share with him personal information about herself and encouraged her to open up more to him.
- d. On several occasions, Defendant Volkert told Plaintiff [REDACTED] "I like you very much" and later complained that she never repeated the statement back to him.
- e. Defendant Volkert suggested that he and Plaintiff [REDACTED] go to the movies together.

f. Defendant Volkert recounted to Plaintiff [REDACTED] a dream he had one night where the two of them were at a party and he lost Plaintiff [REDACTED]. Defendant Volkert stated that the thought of never seeing Plaintiff [REDACTED] again upset him greatly.

g. On one occasion, Defendant Volkert walked Plaintiff [REDACTED] past a very suggestive lingerie store located near the courthouse and asked if that was her favorite store.

h. On or about April 4 or 5, 2012, after Defendant Volkert and Plaintiff [REDACTED] were leaving Hamilton & Ward, Defendant Volkert attempted to kiss Plaintiff [REDACTED] with an open mouth. Plaintiff [REDACTED] quickly turned her head so that Defendant Volkert's mouth landed on her cheek.

i. On or about April 10, 2012, Defendant Volkert told Plaintiff [REDACTED] that "she needed to decide how much effort she wanted to put into this relationship." Plaintiff [REDACTED] asked if Defendant Volkert meant the TCA relationship and Defendant Volkert responded, "no this relationship"; pointing back and forth between the two of them.

j. On or about April 13, 2012, Defendant Volkert told Plaintiff [REDACTED] that he was angry at her because he had received forty (40) e-mails wishing him a Happy Easter, but not one from her. He said he was personally offended and said "obviously you don't care about me as much as I do you."

k. On or about April 23, 2012, Defendant Volkert told Plaintiff [REDACTED] that they did not have to worry about their weekly meetings at the bar because

the bartender was very discrete, thus recognizing the inappropriate nature of the meetings.

- l. On yet another occasion, Defendant Volkert told Plaintiff [REDACTED] that it would take him a long time to forgive her for not responding to the e-mail he had sent her about a television story that night featuring his son's military service in Afghanistan.
- m. Defendant Volkert removed Plaintiff [REDACTED]'s name from participating on the Drug Court Working Group because she did not respond enthusiastically enough. He further stated that he was insulted that she did not "jump at the chance to work with him on the project."
- n. On numerous occasions, Defendant Volkert insisted that Plaintiff [REDACTED] work evenings or weekends, despite there being no pressing work, so the two (2) of them would invariably be alone.

22. Plaintiff [REDACTED] and her husband discussed reporting Defendant Volkert's behavior to authorities, but, from past experience, knew that the judiciary "protected its own."

23. Plaintiff [REDACTED] also feared for her job if she did report Defendant Volkert for his harassing and abusive conduct. He openly spoke about retaliating against those who had crossed or shown disloyalty to him and used his authority in order to obtain loyalty. For example, Defendant Volkert:

- a. Agreed to name Judge Ernest Caposela, Presiding Judge of the Family Part, upon the condition that the retiring Presiding Judge's secretary would be kept as Judge Caposela's secretary. Defendant Volkert stated that now

the secretary was loyal to him and he could get information from her about what was occurring in Judge Caposela's chambers.

- b. Told Plaintiff [REDACTED] that he could make or break her reputation with.
- c. one conversation with Judge Glenn A. Grant, Acting Administrative Director of the Courts, who, through Defendant Volkert's efforts was named the Acting Administrative Director of the Courts.
- d. Did not support Presiding Judge Brogan to be Chair of his conference because Judge Brogan had once pressed Defendant Volkert in front of Plaintiff [REDACTED] about two case backlogs.
- e. Repeatedly told Plaintiff [REDACTED] about "the list", which consisted of individuals who crossed him and against whom he would exact revenge when the opportunity presented itself.
- f. Produced a note from the 1980's from an Assistant U.S. Attorney which read "stopped by to see you. I guess you and your guys are out playing golf." Defendant Volkert saw to it that the first two (2) years of this individual's tenure as a Judge were spent in the special civil part. Plaintiff [REDACTED] understood Defendant Volkert's message that he took great pleasure wielding his power, even that which occurred thirty (30) years ago.

24. Plaintiff [REDACTED] knew that Defendant Volkert had two (2) more years before he would retire and believed that she could remain stoic for that period of time.

25. However, by April 2012, the ongoing harassment and abuse took a physical and mental toll on her. She lost a substantial amount of weight, lived in a perpetual state of fear and anxiety, and no longer maintained her usually impeccable appearance or style.

26. For months, Plaintiff ██████ had been available to Defendant Volkert twenty-four (24) hours a day, seven (7) days a week. She dared not immediately respond to his e-mails or texts for fear of retribution and even checked her Blackberry during church services. Her children commented on her Blackberry obsession.

27. If her Blackberry was not working, she panicked and frantically demanded that Plaintiff ██████ immediately corrected the problem.

28. Plaintiff ██████ went so far to maintain the peace and mollify Defendant Volkert that she would falsely respond to e-mails and texts affirming their positive working relationship or agreeing about the fun they had together.

29. Plaintiff ██████ attempted on several occasions to discuss with Defendant Volkert the toll his demands and domination were taking on her physically and mentally.

30. The most striking conversation occurred on or about April 13, 2012, when Plaintiff ██████ mentioned to Defendant Volkert how her confidence and leadership abilities had disintegrated during the time she reported to him. She referenced her success with other judges, staff, and the vicinage as a whole, yet, under his supervision, she could never do anything right.

31. Plaintiff ██████ stated that perhaps she was not the TCA for him, since he wanted a companion and she wanted to be a TCA.

32. Defendant Volkert responded "you are not going anywhere. How would it look for me if the 'sweetheart of the courthouse,' one that successfully worked for most of the PJs could suddenly not work for me?" Defendant Volkert stated if anyone was going anywhere, he would be returning to the Essex County vicinage, which he repeatedly told Plaintiff ██████ was superior in all ways to the Passaic County vicinage.

33. On or about April 26, 2012, Defendant Volkert again insisted that Plaintiff [REDACTED] join him for drinks after work at Hamilton & Ward.

34. After several drinks, Defendant Volkert asked Plaintiff [REDACTED], "who is Herman Huff."

35. Plaintiff [REDACTED] denied knowing a Herman Huff and Defendant Volkert suggested "maybe we should ask your husband who Herman Huff is."

36. Defendant Volkert then scrolled through his Blackberry and read "ask her who Herman Huff is, she calls him all the time every month."

37. Plaintiff [REDACTED] asked Defendant Volkert for Herman Huff's telephone number, which turned out to be Plaintiff's husband's cellular telephone number.

38. In that moment, Plaintiff [REDACTED]'s fears had been realized – Defendant Volkert was, in fact, monitoring her personal cellular telephone. Not only had he dominated her professional life, but he had been invading her personal life as well.

39. Defendant Volkert stated that monitoring her personal cellular telephone calls was not terribly difficult and that he had not done anything illegal.

40. Plaintiff [REDACTED] became hysterical. Her entire body began shaking and she started screaming and cursing at Defendant Volkert.

41. Plaintiff [REDACTED] got up to leave the bar and, as Defendant Volkert followed her out, he stated, "Oh my God, what have I done? I fucked up and ruined everything."

42. He offered to call Judge Grant and request a transfer back to the Essex County vicinage or to just go outside and walk in front of a bus.

43. Defendant Volkert then stated that next to his wife and children, Plaintiff [REDACTED] was the person who meant the most in his life.

44. Still hysterical, Plaintiff [REDACTED] was terrified that she would lose her job and what would happen to her children's education, her mortgage, and the quality of life she and her husband had worked so hard to build.

45. Plaintiff [REDACTED] begged Defendant Volkert to not hurt her or her pension.

46. Still shaking and hysterical she drove to the Wayne Police Department, where her husband is a police detective.

47. Plaintiff [REDACTED] recounted the entire scenario to Plaintiff [REDACTED] and Dennis Ferry, Plaintiff [REDACTED]'s partner at the Wayne Police Department.

48. On or about April 27, 2012, Plaintiff [REDACTED] and the Wayne Chief of Police met with an FBI agent to report Defendant Volkert's illegal monitoring of her personal cellular telephone calls.

49. Plaintiff [REDACTED] met with the FBI because she felt this was the only agency where Defendant Volkert had no influence. He had convinced her that he knew everyone in the County Prosecutor's Office, the Attorney General's Office, and even the local police departments. Plaintiff [REDACTED] subsequently learned that Defendant Volkert's son works for the FBI.

50. On or about April 27, 2012, Plaintiff [REDACTED] also met with her primary care physician and, for the first time in her life, she was prescribed anti-anxiety and anti-depression medication and advised to see a psychologist for intensive therapy.

51. On or about April 28, 2012, Plaintiff [REDACTED] telephoned Judge Clark to report the incident involving Defendant Volkert with the intention that Judge Clark would notify Judge Grant.

52. Effective April 27, 2012, Plaintiff [REDACTED] went on a medical leave of absence, where she has remained to date.

53. During the weeks following the April 27, 2012 incident, Plaintiff [REDACTED] did not leave her bedroom, much less her house, except to see her primary care physician, her therapist, and to attend church as long as her husband was available to drive her to and from church. Plaintiff [REDACTED]'s son came home from high school during his lunch hour to give her the anti-anxiety and anti-depressant medication she had been prescribed.

54. She was unable to participate in family activities, to perform household chores, or even to interact with her husband or children in any meaningful way.

55. On or about May 22, 2012, Plaintiff [REDACTED] filed a complaint with Defendant AOC alleging a sexually hostile working environment, intentional infliction of emotional distress, and invasion of privacy that she was subjected to by Defendant Volkert.

56. In or about June 2012, Defendant AOC inquired whether Plaintiff [REDACTED] would be able to return to work and, if so, under what circumstances.

57. In a letter, dated June 12, 2012, Plaintiff [REDACTED] advised Defendant AOC that she could return to work as long as she did not report to or have any interaction with Defendant Volkert.

58. Defendant AOC found this request unprecedented and, therefore, could not comply with Plaintiff [REDACTED]'s requested accommodations forcing Plaintiff Faber to remain on a medical leave of absence.

59. Defendants State of New Jersey and AOC conducted a three (3) month investigation into Plaintiff [REDACTED]'s allegations.

60. In a letter, dated August 27, 2012, Defendants State of New Jersey and AOC set forth their findings which corroborated much of Plaintiff [REDACTED]'s allegations:

- a. Plaintiff [REDACTED] stopped visiting with Division Managers in their offices in or about January or February 2012 in order to remain in close proximity to Defendant Volkert should he ever demand her presence.
- b. Kirk Nixon confirmed Defendant Volkert's stories of retribution and revenge.
- c. Several witnesses confirmed that Kirk Nixon did not meet with Defendant Volkert every day and when they did meet it would be for no more than one (1) hour. In comparison, he met with Plaintiff [REDACTED] every day for an extended period of time, which many witnesses described as excessive.
- d. Kirk Nixon confirmed that his normal workday was 7:00 a.m. to 5:15 p.m. or 6 p.m. if he had an evening event to attend. In contrast, Plaintiff [REDACTED] worked evenings, weekends and remained late after work to go to Hamilton & Ward with Defendant Volkert.
- e. Defendant Volkert admitted inappropriately monitoring Plaintiff [REDACTED]'s cellular telephone calls.
- f. Defendant Volkert admitted that issues had arisen regarding the lingerie store referenced by Plaintiff [REDACTED].
- g. One of the witnesses interviewed confirmed that before Plaintiff [REDACTED] could issue any letters or memoranda they had to be approved by Defendant Volkert.

61. In the end, however, Defendants State of New Jersey and AOC construed the complaints according to the version told by Judge Volkert. They found that Plaintiff [REDACTED] failed to provide sufficient evidence to prove her allegations.

62. She was told she would have to return to work reporting to Defendant Volkert.

63. The August 27, 2012 decision failed to address the cumulative effect of the individual acts of harassment and abuse alleged by Plaintiff [REDACTED] both in her May 22, 2012 complaint and the detailed interviews she provided to the investigator.

64. Instead, Defendants fully accepted Defendant Volkert's self-serving denials, his specious explanations, and his abusive actions as an Assignment Judge.

65. Defendants State of New Jersey and AOC demand that Plaintiff [REDACTED] return to a hostile working environment, reporting to an individual who relishes retaliation and revenge against anyone who he deems disloyal.

66. Defendants' only accommodation to Plaintiff [REDACTED] was to have Operations Division Manager, Tom Jindracek, or another Division Manager, all of whom fall under Defendant Volkert's supervision, be present during all meetings involving Plaintiff [REDACTED] and Defendant Volkert.

67. While the three (3) month investigation was ongoing by Defendants State of New Jersey and AOC, the FBI was conducting its own investigation into the allegations that Defendant Volkert illegally monitored Plaintiff [REDACTED]'s personal cellular telephone.

68. Upon information and belief, Defendant Volkert did not issue any order in his judicial capacity allowing for the review of Plaintiff [REDACTED]'s cellular telephone, but did engage in actions in his personal capacity which violated Plaintiff [REDACTED]'s rights to privacy.

FIRST COUNT
(NJLAD – Sexually Hostile Work Environment)

69. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

70. The conduct and comments previously set forth herein occurred because of Plaintiff [REDACTED]'s gender.

71. The conduct and comments were severe and pervasive enough to make a reasonable woman believe the working conditions were altered and that the working environment was intimidating, harassing, and hostile.

72. As a result of Defendants' actions, they are liable for all damages resulting from the sexually hostile work environment and the failure to remediate that environment.

73. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer loss of income, loss of benefits, and other financial losses.

74. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer pain, emotional distress, and physical injury.

75. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer personal physical injury and exacerbation of physical injuries and conditions.

WHEREFORE, Plaintiff Faber demands judgment against Defendants for back pay, front pay, compensatory damages, personal physical injury, exacerbation of her physical injuries and condition, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

SECOND COUNT
(Individual Liability Against Defendant Volkert)

76. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

77. Defendant Volkert is an upper manager of Defendant State of New Jersey.

78. Defendant Volkert was actively involved in creating and perpetuating the sexually hostile working environment.

79. Defendant Volkert also failed to address and remediate the sexually hostile working environment.

80. Defendant Volkert was aware that his failure to stop the unlawful conduct was causing further injury to Plaintiff [REDACTED]. Defendant Volkert made a knowing and voluntary decision to violate Plaintiff [REDACTED]'s rights.

81. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

82. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and conditions to experience personal physical injury, pain, suffering, and emotional distress.

83. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer personal physical injury and exacerbation of physical injuries and conditions.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, personal physical injury, exacerbation of her physical injuries and conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

THIRD COUNT
(Intentional Infliction of Emotional Distress)

84. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

85. Defendant Volkert was aware of Plaintiff [REDACTED]'s failing physical and emotional health caused by his creation and perpetuation of the hostile working environment and the monitoring of her personal cellular telephone.

86. As a direct and proximate result of Defendant Volkert's actions, Plaintiff [REDACTED] has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

87. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and conditions to experience personal physical injury, pain, suffering, and emotional distress.

88. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer personal physical injury and exacerbation of physical injuries and conditions.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of her physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

FOURTH COUNT
(Per Quod Claim)

89. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

90. The intentional infliction of emotional distress created by Defendant Volkert rendered Plaintiff [REDACTED] unable to be an active participant in the relationship she created with her husband, Plaintiff [REDACTED].

91. Plaintiff [REDACTED] could not provide Plaintiff [REDACTED] with the companionship, love or involvement in household responsibilities which Plaintiff [REDACTED] had come to enjoy.

92. As a result of Defendants' actions, Plaintiff [REDACTED] has experienced and continues to experience financial losses and emotional distress.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of her physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

FIFTH COUNT
(NJLAD Retaliation)

93. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

94. Following his creation and perpetuation of the sexually hostile working environment and his intentional infliction of emotional distress, Plaintiff [REDACTED] repeatedly objected and tried to discuss the working environment with Defendant Volkert.

95. Defendant Volkert rejected Plaintiff [REDACTED]'s complaints.

96. Upon information and belief, Plaintiff [REDACTED]'s complaints further incited Defendant Volkert to increase the hostility and emotional abuse when, on April 26, 2012, he let it be known that even her personal life was not sacred as he had been monitoring her personal cellular telephone calls for months.

97. As a result of Plaintiff [REDACTED]'s complaints and objections to Defendant Volkert's hostile working environment and emotional abuse, Defendant Volkert harbored retaliatory animus and punished Plaintiff [REDACTED] for that conduct.

98. As a direct and proximate result of Defendant Volkert's actions, Plaintiff [REDACTED] has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

99. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and conditions to experience personal physical injury, pain, suffering, and emotional distress.

100. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer personal physical injury and exacerbation of physical injuries and conditions.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of her physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

SIXTH COUNT
(Intrusion Upon Seclusion)

101. Plaintiffs repeat and reallege the previous allegations as though set forth at length herein.

102. Defendant Volkert's monitoring of Plaintiff [REDACTED]'s personal cellular telephone constitutes an Invasion of Privacy – Intrusion upon Seclusion based on his tortious conduct.

103. Defendant Volkert intentionally intruded upon Plaintiff [REDACTED]'s solitude, seclusion and private affairs.

104. Defendant Volkert's intrusion would be highly offensive to a reasonable person and was unwarranted and unjustified.

105. Specifically, Defendant Volkert, without the authorization of Plaintiff [REDACTED], sought to monitor Plaintiff [REDACTED]'s personal cellular telephone calls.

106. Plaintiff [REDACTED] had a reasonable expectation of privacy with regard to her personal cellular telephone account information.

107. As a direct and proximate result of Defendant Volkert's actions, Plaintiff [REDACTED] has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

108. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and conditions to experience personal physical injury, pain, suffering, and emotional distress.

109. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer personal physical injury and exacerbation of physical injuries and conditions.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of her physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiffs Marie and James Faber

By: Linda Niedweske
Linda J. Niedweske

Dated: 9/28/12

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiffs Marie and James Faber

By: Linda Niedweske
Linda J. Niedweske

Dated: 9/28/12

DESIGNATION OF TRIAL ATTORNEY

Kevin Barber, Esq. is hereby designated as trial counsel in the within matter.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiffs Marie and James Faber

By: Linda Niedweske
Linda J. Niedweske

Dated: 9/28/12

CERTIFICATION PURSUANT TO RULE 4:5-1

I, Linda J. Niedweske, certify as follows:

I am a partner in the Law Firm of Niedweske Barber Hager, LLC, attorneys for Plaintiffs [REDACTED] in this matter. To the best of my knowledge, the matter in controversy is not the subject of any other action pending or contemplated in any court or arbitration proceeding, and no parties are known who should be joined in this action.

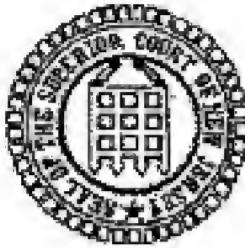
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiffs Marie and James Faber

By: Linda Niedweske
Linda J. Niedweske

Dated:

9/28/12



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1
Pleading will be rejected for filing, under Rule 1:5-6(c),
if information above the black bar is not completed or
if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME Linda J. Niedweske	TELEPHONE NUMBER (973) 401-0064	COUNTY OF VENUE Hudson
FIRM NAME (if applicable) Niedweske Barber Hager, LLC	DOCKET NUMBER (When available)	
OFFICE ADDRESS 98 Washington Street Morristown, NJ 07960	DOCUMENT TYPE Complaint	JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

NAME OF PARTY (e.g., John Doe, Plaintiff) [REDACTED]	CAPTION [REDACTED] v. State of New Jersey, New Jersey Administrative Office of the Courts and Donald J. Volkert, Jr.
---	--

CASE TYPE NUMBER (See reverse side for listing) 618	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:63A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
---	--

RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION		
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP <input checked="" type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

<input checked="" type="checkbox"/>	DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE:
ATTORNEY SIGNATURE <i>Linda Niedweske</i>		

SIDE 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

241 TOBACCO	275 ORTHO EVRA
248 CIBA GEIGY	276 DEPO-PROVERA
266 HORMONE REPLACEMENT THERAPY (HRT)	277 MAHWAH TOXIC DUMP
271 ACCUTANE	278 ZOMETA/AREDIA
272 BEXTRA/CELEBREX	601 ASBESTOS
274 RISPERDAL/SEROQUEL/ZYPREXA	619 VIOXX

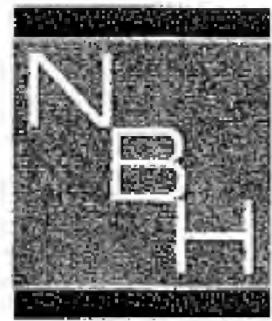
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59



**NIEDWESKE
BARBER
HAGER**
COUNSELLORS AT LAW

www.n-blaw.com

98 Washington Street
Morristown | New Jersey | 07960
973.401.0064 | 973.401.0061 fax

140 Broadway, 46th Floor
New York | New York | 10005
212.208.1496 | 212.858.7750 fax

September 28, 2012

Via Certified and Regular Mail, RRR

New Jersey Judiciary
Richard J. Hughes Complex
25 Market Street
Trenton, NJ 08625

Re: [REDACTED]

Dear Ms/Sir:

Enclosed please find the Notice of Tort Claim filed on behalf of [REDACTED]
If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
NIEDWESKE BARBER HAGER, LLC

By: Linda Niedweske

Linda J. Niedweske

cc: [REDACTED]

NEW JERSEY JUDICIARY NOTICE OF TORT CLAIM

CLAIMANT INFORMATION

Name: [REDACTED]	Telephone: [REDACTED]
Address: [REDACTED]	Date of Birth: [REDACTED]

ATTORNEY INFORMATION

Name: Linda J. Niedweske, Esq.	Telephone: 973-401-0064
Address: Niedweske Barber Hager, LLC 98 Washington Street Morristown, NJ 07960	FAX: 973-401-0061
	File No.

Send Notices to: _____ Claimant Attorney

GENERAL INSTRUCTIONS: Pursuant to the provisions of the New Jersey Tort Claims Act, this Notice of Tort Claim form has been adopted as the official form for the filing of claims against the New Jersey Judiciary.

The questions are to be answered to the extent of all information available to the Claimant or to his or her attorneys, agents, servants and employees under oath. The fully completed Claim Form and the documents requests shall be returned to:

**NEW JERSEY JUDICIARY
RICHARD J. HUGHES COMPLEX
25 MARKET ST.
TRENTON, NJ 08625**

NOTE CAREFULLY: Your claim will not be considered filed as required under the New Jersey Tort Claims Act until this completed form has been filed with the New Jersey Judiciary. Failure to provide the information requested, including such responses as "To Be Provided" or "Under Investigation", will result in the claim being treated as not being properly filed.

Timely Notices of Claim must be filed within 90 days after the incident giving rise to the claim.

This form is designated as a general form for use with respect to all claims. Some of the questions may not be applicable to your particular claim. For example, if your claim does not arise out of an automobile accident, questions regarding road conditions might not be applicable. In that event, please indicate "Not Applicable".

If you are unable to answer any question because of a lack of information available to you, specify the reason the information is not available to you. If a question asks that you identify a document, it will be sufficient to furnish true and legible copies. Where a question asks that you "identify all persons", provide the name, address and telephone number of the person.

If you need more space to provide a full answer, attach supplementary pages, identifying the continuation of the answer with the number of the applicable question.

DEFINITIONS:

"**Claimant**" shall refer to the person or persons on whose behalf the Notice of Claim has been filed with the New Jersey Judiciary.

"**Documents**" shall refer to any written, photographic or electronic representation, and any copy thereof, including but not limited to computer tapes and/or disks, videotapes and other material relating to the subject matter of the claim.

"**Person**" shall include in its meaning partnership, joint venture, corporation, association, trust or any other kind of entity, as well as a natural Person.

"**Public Entity**" shall refer to the New Jersey Judiciary along with any agent, official or employee of the New Jersey Judiciary against whom a claim is asserted by the Claimant.

NOTE: The questions are divided into sections relating to the claimant, the claim, property damage, personal injury and the basis for the claim against the public entity or public employee.

If the claim involves only property damage, the portion on personal injuries need not be answered. If the claim involves no property damage, then the portion on property damage need not be answered.

INFORMATION ON THE CLAIMANT

1. Provide the following information, with respect to the Claimant:

a) Any other name by which the Claimant is known.

Not Applicable

b) Address at the time of the incident giving rise to the claim.



c) Marital Status (at the time of the incident and current).

Married

d) Identify each person residing with the Claimant and the relationship, if any, of the person to the Claimant.



2. Provide all addresses of the Claimant for the last 10 years, the dates of the residence, the persons residing at the addresses at the same time as the Claimant resided at the address and the relation, if any, of the persons to the Claimant.



See 1(d) above.

INFORMATION ON ALL CLAIMS

- 3. Provide the exact date, time and place of the incident forming the basis of the claim and the weather conditions prevailing at the time.**

The incidents forming the basis of the claim and injuries are a continuing violation up to and including the date of the Tort Claim Notice.

- 4. Provide the Claimant's complete version of the events that form the basis of the claim.**

During the time that [REDACTED] reported directly to Judge Volkert, she was subjected to intentional infliction of emotional distress and invasion of her privacy.

Judge Volkert isolated her from others within the courthouse, closely monitored her telephone conversations, e-mails and in-person conversations, to the point where she could barely utter a phrase or write a word without his prior approval or knowledge. His reactions were unpredictable and at times erratic, as evidenced by his screaming at her one minute and then being casual about the same issue the next. He demanded that Ms. [REDACTED] be available to him 24/7 by cellular telephone, e-mails and/or texting. If Ms. [REDACTED] did not comply with his demands, he would become irate and threaten the stability of her future employment. For example, on one occasion, Judge Volkert tore up in front of Ms. [REDACTED] an e-mail she had sent to Steven Bonville, Chief of Staff, Administrative Office of the Courts, thanking him for the seminar he organized for new Trial Court Administrators. Judge Volkert stated that the torn pages represented her ruined career if she ever sent another e-mail without first obtaining his approval. Judge Volkert routinely told Ms. [REDACTED] tales of how he retaliated against anyone who crossed him, even showing her a letter from more than twenty (20) years ago that precipitated his taking retribution against a colleague.

Ms. [REDACTED] was so intimidated by Judge Volkert that she capitulated to his demands, even going for weekly drinks with him after work at Hamilton & Ward, the bar located across from the courthouse. Judge Volkert knew that Ms. [REDACTED] never socialized after work, rarely drank alcoholic beverages and had family responsibilities which required her immediate attention after work. Regardless, Judge Volkert insisted that she join him for drinks so that they could get to know each other socially. He wanted to get to know the more personal side of Ms. [REDACTED] and asked questions to try to elicit this information, which she would attempt to deflect. He demanded that she work on weekends and evenings, even when there was no pressing work and often appeared when few, if any, individuals were in the courthouse, causing Ms. Faber to be uneasy being alone with him.

Ms. [REDACTED] realized that Judge Volkert was dominating more and more of her time, both during work and off work hours. His constant presence in her life was making her increasingly anxious. She checked her text messages and e-mails regularly, even in church, out of fear that Judge Volkert would try to reach her and she would not respond in a timely fashion.

On or about April 4, 2012, Judge Volkert tried to kiss Ms. [REDACTED] on the mouth. On or about April 11, 2012, Judge Volkert told Ms. [REDACTED] that she needed to decide how much effort she wanted to put into their relationship as he pointed back and forth between them, implying the personal, not the professional, relationship. On or about April 13, 2012, Judge Volkert told Ms. [REDACTED] that he was upset because she did not e-mail him wishing him a Happy Easter, which he interpreted to mean that she did not care for him as much as he cared for her. Ms. [REDACTED] told Judge Volkert that he was asking too much of her personally. She wanted to be a Trial Court Administrator, not his companion. She was no longer the confident, in control person that everyone had grown to know and respect in the courthouse. She was a shadow of herself both physically and emotionally. Judge Volkert's constant oversight, his controlling of her every word and action, his erratic moods, his unpredictable responses and even his demands of her personally had become too much. She was always anxious and on edge. Despite her trying to please him, whatever she did was never good enough. Unmoved, Judge Volkert told Ms. [REDACTED] that she needed to work harder.

Shortly thereafter, on or about April 26, 2012, Judge Volkert again insisted that Ms. [REDACTED] join him for drinks at Hamilton & Ward. After several drinks, he admitted that he had been monitoring her personal cellular telephone calls for the past several months. Ms. [REDACTED] was stunned by the realization that Judge Volkert not only had complete control over her work life, but he had also invaded her personal life. She became hysterical and started screaming and cursing. Judge Volkert admitted he had gone too far. He told Ms. [REDACTED] that after his wife and children, she was most important to him. He offered to be moved back to Essex County or even to throw himself in front of a bus. Ms. [REDACTED] immediately drove to the Wayne Police Station, where her husband is a detective. She arrived still trembling and hysterical. She was panicked that Judge Volkert would ruin her career. Completely panicked and shaking at this point, Ms. [REDACTED] drove to the Wayne Police Department where her husband is a detective. She arrived in a state of complete and utter hysteria.

The next day, still being unable to calm herself down, Ms. [REDACTED] went to see her family physician, who prescribed, for the first time in Ms. [REDACTED]'s life, anti-anxiety and anti-depression medication. Her physician also advised Ms. [REDACTED], for the first time in her life, that she see a therapist, which she did several times each week for several weeks. As a result of the trauma, Ms. [REDACTED] was unable to fulfill her responsibilities as a wife and mother. For weeks, she would not leave the house, go into a store, answer either her home or cellular telephone, look at e-mails or have any involvement with the outside world other than to visit with doctors and therapists.

On this same day, Ms. [REDACTED] met with an FBI agent to report Judge Volkert's illegal monitoring of her personal cellular telephone. She chose the FBI because Judge Volkert had already convinced her that she had nowhere to turn if she betrayed him. He knew everyone in the court system. He was well-connected in the county prosecutor's office and the U.S. Attorney's office. Believing that neither agency would provide her

protection because of his influence, so she turned to the FBI only to subsequently learn that Judge Volkert's son works for the FBI.

On May 22, 2012, Ms. [REDACTED] filed a complaint with the Administrative Office of the Courts. A three month investigation was undertaken where there was confirmation that Judge Volkert had been monitoring Ms. Faber's cellular telephone calls, but that there was insufficient information to prove or deny Ms. [REDACTED]'s claims of gender discrimination, sexually hostile working environment, intentional infliction of emotional distress, and retaliation. Ms. [REDACTED] was advised that she would have to return to work reporting to Judge Volkert. Knowing his penchant for retaliation and retribution, Ms. [REDACTED] knew she could never again report to Judge Volkert. The depression and anxiety she had been managing for the past many months came flooding back resulting in a relapse of her progress.

Judge Volkert's intentional conduct and his invasion of her privacy had the predictable and foreseeable consequences of causing severe emotional harm to Ms. [REDACTED]. This harm, in turn, caused the loss of consortium and per quod damages by her husband, [REDACTED]

5. **List any and all individuals who were witnesses to or who have knowledge of the facts of the incident which gave rise to the claim. Provide the full name and address of each individual.**

Judge Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Administrative Office of the Courts
Richard J. Hughes Complex
25 Market Street
Trenton, NJ 08625

Judge Marilyn C. Clark, P.J.Cx.

Judge Thomas Brogan, P.J. Civ.

Judge Margaret Mary McVeigh, P.J. Chanc.

Thomas Jindracek
Acting Trial Court Administrator
and Operations Division Manager

Donna Hoffman
Court Services Supervisor 2 (Team Leader)

Raquel Guerrero
Administrative Assistant 2

Kathy Lehmann
Judiciary Secretary 2

Gordon Muth
Vicinage Chief Probation Officer

Jennifer Scott
IT Division Manager, Hudson Vicinage

Rashad Shabaka-Burns
Trial Court Administrator
Morris/Sussex Vicinage

Phyllis Hornstra
Operations Division Manager
Morris/Sussex Vicinage

Steven D. Bonville
Chief of Staff, Administrative Office of the Courts

Craig D. Bailey, Esq.
Human Resources Division Manager
Passaic Vicinage

Dennis Ferray
Detective, Wayne Police Department

Sharon Kinney
EEO/AA Officer
Passaic Vicinage

Christopher M. Farella
EEO/AA Investigator

Bobby Battle
Chief, Judiciary EEO/AA Officer

Claimant reserves her right to amend this answer.

6. Identify all public entities or public employees (by name and position) alleged to have caused the injury or property damage and specify as to each public entity or

employee the exact nature of the act or omission alleged to have caused the injury or property damage.

See Answer to No. 4.

7. **If you claim that the injury or property damage was caused by a dangerous condition of property under the control of the public entity, specify the nature of the alleged dangerous condition and the mariner in which you claim the condition caused the injury.**

Not applicable.

8. **If you allege a dangerous condition of public property, state the specific basis on which you claim that the public entity was responsible for the condition and the specific basis and date on which you claim that the public entity was given notice of the alleged dangerous condition. Statements such as "should have known" and "common knowledge" are insufficient.**

Not applicable.

9. **If you or any other party or witness consumed any alcoholic beverages, drugs or medications within twelve (12) hours before the incident forming the basis of the Claim, identify the person consuming the same and for each person (a) what was consumed, (b) the quantity thereof, (a) where consumed, and (d) the names and addresses of all persons present.**

For several of the incidents, but not all, Judge Volkert had been drinking. Some of the incidents as described in answer No. 4 took place at Hamilton & Ward, a local bar frequented by Judge Volkert.

10. **If you have received any money or thing of value for your injuries or damages from any person, firm or corporation, state the amounts received, the dates, names and addresses of the payers. Specifically list any policies of insurance, including policy number and claim number, from which benefits have been paid to you or any person on your behalf including doctors, hospitals or any person repairing damage to property.**

Not applicable.

11. **If any photographs, sketches, charts or maps were made with respect to anything which is the subject matter of the claim, state the date thereof, the names and addresses of the persons making the same and of the persons who have present possession thereof. Attach copies of any photographs, sketches, charts or maps.**

Not applicable.

12. If you or any of the parties to this action or any of the witnesses made any statements or admissions, set forth what was said; by whom said; date and place where said; and in whose presence, giving names and addresses of any persons having knowledge thereof.

See Answer to No. 4.

13. State the total amount of your claim and the basis on which you calculated the amount claimed.

Exact amount of damages are unknown and subject to expert opinion. Damages include emotional distress, loss of enjoyment of life, per quod and loss of consortium. Claimants reserve their right to amend this answer.

14. Provide copies of all documents, memoranda, correspondence, reports (including police reports), etc. which discuss, mention or pertain to the subject matter of this claim.

See the investigation notes and the report from Christopher Farella and the letter from Judge Grant, dated August 27, 2012.

15. Provide the names and addresses of all persons or entities against whom claims have been made for injuries or damages arising out of the incident forming the basis of this claim and give the basis for the claim against each.

Not applicable.

PROPERTY DAMAGE CLAIM

16. If your claim is for property damage, attach a description of the property and an estimate of the costs of repair. If your claim does not involve any claim for property damage, enter "None".

Not Applicable.

NOTE: If your claim is for property damage only, initial here and proceed directly to and complete the Certification section at the end of this form.

Initials: _____

PERSONAL INJURY CLAIMS

17. Was any complaint made to the public entity or to any official or employee of the public entity. State the time and place of the complaint and the person or persons to whom the complaint was made.

On April 28, 2012, Claimant reported the incident, as described in Answer to No. 4, to Judge Marilyn Clark. Claimant also filed a Complaint with the New Jersey Judiciary, dated May 22, 2012.

18. Describe in detail the nature, extent and duration of any and all injuries.

Severe panic attacks; severe anxiety, severe weight loss, and loss of enjoyment of life.

These injuries continue to worsen and otherwise manifest themselves. Claimant Marie Faber will submit expert opinions on this matter.

19. Describe in detail any injury or condition claimed to be permanent.

See answer to No. 18.

20. If confined to any hospital, state name and address of each and the dates of admission and discharge. Include all hospital admissions prior to and subsequent to the alleged injury and give the reason for each admission.

Not Applicable.

21. If X-rays were taken, state (a) the address of the place where each was taken, (b) the name and address of the person who took there, (c) the date when each was taken, (d) what each disclosed, and (e) where and in whose possession they now are. Include all X-rays, whether prior to or subsequent to the alleged injury forming the basis of the claim.

Not applicable.

22. If treated by doctors, including psychiatrists or psychologists, state (a) the name and present address of each doctor, (b) the dates and places where treatments were received, (c) the nature of the treatment, and (d) the date of last treatment or, if treatments are continuing, the schedule of continuing treatments. Provide true copies of all written reports rendered to you or about you by any doctors whom you propose to have testify on your behalf.

Any report will be provided in accordance with New Jersey Court Rules.

23. If you have any physical impairment which you allege is caused by the injury forming the basis of your claim and which is affecting your ordinary movements, hearing or sight, state in detail the nature and extent of the impairment and what corrective appliances, support or device you use to overcome or alleviate the impairment.

Not Applicable.

24. If you claim that a previous injury has been aggravated or exacerbated, describe the injury and give the name and present address of each doctor who treated you for the condition, the period during which treatment was received and the cause of the previous injury. Specifically list any impairment, including use of eyeglasses, hearing aid or similar device, which existed at the time of the injury forming the basis of the claim.

Not Applicable.

25. If any treatments, operations or other form of surgery in the future has been recommended to alleviate any injury or condition resulting from the incident which forms the basis of the claim, state in detail (a) the nature and extent of the treatment, operation or surgery, (b) the purpose thereof and the results anticipated or expected, (c) the name and address of the doctor who recommended the treatments, operation or surgery, (d) the name and address of the doctor who will administer or perform the same, (e) the estimated medical expenses to be incurred, (f) the estimated length of time of treatments, operation or surgery, period of hospitalization and period of convalescence, (g) all other losses or expenditures anticipated as a result of the treatments, operation or surgery, and (h) further if it is your intention to undergo the treatments, operation or surgery, please give an approximate date.

Not Applicable.

26. Itemize any and all expenses incurred for hospitals, doctors, nurses, X-rays, medicines, care and appliances and indicate which expenses were paid by any insurance coverage.

Unknown at this time.

27. If employed at the time of the alleged injury forming the basis of the claim, state (a) the name and address of the employer, (b) position held and the nature of the work performed, (c) average weekly wages for the year prior to the injury, (d) period of time lost from employment, giving dates, and (e) amount of wages lost, if any. List any sources of income continuation or replacement, including but not limited to workers' compensation, disability income, social security and income continuation insurance.

- (a) State of New Jersey;
- (b) Trial Court Administrator for the Passaic County vicinage;
- (c) \$1,900.00 weekly gross;
- (d) April 27, 2012 to the present;
- (e) Accrued sick time was lost;
- (f) Accrued paid sick time.

28. If other loss of income, profit or earnings is claimed, state (a) total amount of the loss, (b) give a complete detailed computation of the loss, and (c) the nature and dates of loss.

See previous answers.

29. If you are claiming lost wages, state (a) the date that the employment began, (b) the name and address of the employer, (c) the position held and the nature of the work performed and (d) the average weekly wages. Attach copies of pay stubs or other complete payroll record for all wages received during the past year.

See previous answers.

DOCUMENT REQUEST: Produce all documents identified in your answers to the above questions.

CERTIFICATION

I hereby certify that the information provided is the truth and is the full and complete response to the questions, to the best of my knowledge.



Date: 9/25/12

CERTIFIED MAIL



**NIEDWESKE
BARBER
HAGER**
OUNSELLORS AT LAW



98 Washington Street
Morristown, New Jersey 07960



Office Services

Open By *10/1/19*
By *10/3/19*
Date

Via Certified Mail, RRR
New Jersey Judiciary
Richard J. Hughes Complex
25 Market Street
Trenton, NJ 08625

RECEIVED
SEP 24 2012
COURT OF NEW JERSEY